

(SPACE BELOW FOR FILING STAMP ONLY)

SOLOMON E. GRESEN [SBN: 164783]
STEVEN V. RHEUBAN [SBN: 48538]
LAW OFFICES OF RHEUBAN & GRESEN
15910 VENTURA BOULEVARD, SUITE 1610
ENCINO, CALIFORNIA 91436
TELEPHONE: (818) 815-2727
FACSIMILE: (818) 815-2737

CITY ATTORNEY

2011 SEP -2 PM 3:32

Attorneys for Plaintiffs Cindy Guillen-Gomez, Steve Karagiosian and
Elfego Rodriguez

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

OMAR RODRIGUEZ; CINDY GUILLEN-
GOMEZ; STEVE KARAGIOSIAN;
ELFEGO RODRIGUEZ; AND JAMAL
CHILDS,

Plaintiffs,

-vs-

BURBANK POLICE DEPARTMENT; CITY
OF BURBANK; AND DOES 1 THROUGH
100, INCLUSIVE.

Defendants.

CASE NO.: BC 414 602

**DECLARATION OF SOLOMON E.
GRESEN IN RESPONSE TO OSC RE
TERMINATING SANCTIONS**

Assigned to: Hon. Joanne B. O'Donnell, Judge
Dept. 37

Complaint Filed: May 28, 2009

Current Trial Date: 04/25/2011

BURBANK POLICE DEPARTMENT; CITY
OF BURBANK,

Cross-Complainants,

-vs-

OMAR RODRIGUEZ, and Individual,

Cross- Defendant

DECLARATION OF SOLOMON E. GRESEN

I, Solomon E. Gresen, declare as follows:

1. I am an attorney authorized to practice in all the courts of the State of California and
am a partner in the Law Offices of Rheuban & Gresen, attorneys of record for Plaintiffs Cindy

1 Guillen-Gomez, Steve Karagiosian and Elfego Rodriguez in this action. I have personal knowledge
2 of the facts asserted herein, and if called to testify, I could and would testify competently thereto.

3 2. This declaration is in response to the Order to Show Cause Re Payment of the
4 Discovery Referee.

5 3. On or about October 2, 2009, this Court ordered the appointment a discovery referee in
6 this case, and through at or near May 18, 2011, when this Court granted Defendants' motion for
7 summary judgment against Plaintiff Omar Rodriguez, the bills for the discovery referee exceeded
8 \$120,000, half of which was advanced on behalf of the Plaintiffs in this action by the Law Offices
9 of Rheuban & Gresen.

10 4. After the motion for summary judgment was granted against Plaintiff Omar Rodriguez,
11 a number of motions were filed by Defendants concerning the manner which Cross-Defendant
12 Omar Rodriguez obtained documents from the City of Burbank. At that time, Rheuban & Gresen's
13 other two clients who are Plaintiffs in this case, Steve Karagosian and Cindy Guillen-Gomez, were
14 awaiting trial, separately, and with all motions in *limine* for trial already briefed. As a result, I
15 understood the motions to compel concerned only Omar Rodriguez's case as a Cross-Defendant.

16 5. Since the motion for summary judgment was granted in his plaintiff's case, Mr.
17 Rodriguez had been searching for and ultimately located new counsel, Kenneth Yuwiler of Silver
18 Hadden Silver Wexler & Levine. Mr. Wexler is experienced in defending Police Officers in
19 misconduct cases. At the time Defendants' motions were being filed, I did not know whether I
20 would be required to continue to advance the costs associated with the hearing on those motions.

21 6. Shortly after the substitution of attorney was filed, I was contacted by Mr. Yuwiler
22 concerning the fees owed to the Discovery Referee in this case. During that discussion I indicated
23 that it was my hope that the LDF would be able to pick up the costs of the referee, as they were
24 associated with the defense of Omar Rodriguez. Mr. Yuwiler then informed me that he would not
25 be able to obtain reimbursement for costs incurred prior to his representation, and that I would have
26 to find another way to satisfy the bill.

27 7. I am informed that Plaintiff Omar Rodriguez on his behalf, has no resources with
28 which to pay this bill. I was prepared to file a motion for relief, but due to my vacation and work

1 schedule this Summer, I was unable to get the motion on file prior to the issue being raised in Court
2 at the last hearing.

3 8. After hearing that this Court intended to set an Order to Show Cause regarding
4 payment of the fees, I immediately contacted Karen Butler, Manager at JAMS to work out payment
5 arrangements. When this ultimately proved unsuccessful, I paid the bill on August 29, 2011, so that
6 the parties in this action would suffer no prejudice from the confusion surrounding the late payment
7 of the Discovery Referee's bill. A true and correct copy of the receipt showing payment is attached,
8 marked as Exhibit A, and is incorporated herein by this reference.

9 9. For the foregoing reasons, I believe it would not be appropriate to grant further relief to
10 Defendants at this time. If any sanction is warranted, certainly a terminating sanction is not because
11 both Cindy Guillen-Gomez and Steve Karagosian were unaffected by the motions, as their
12 motion cut-off dates had passed, and the delay in payment of the bill associated with Omar
13 Rodriguez has caused Defendants to suffer no prejudice. After all, this Court found their motion,
14 which was to be decided by the Discovery Referee, was moot. Perhaps it would be appropriate,
15 then, to relieve the Discovery Referee of her duties at this time.

16 I declare under penalty of perjury under the laws of the State of California that the foregoing
17 is true and correct.

18 Executed this 29th day of August, 2011 in Encino, California


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22 Solomon E. Gresen
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EXHIBIT A

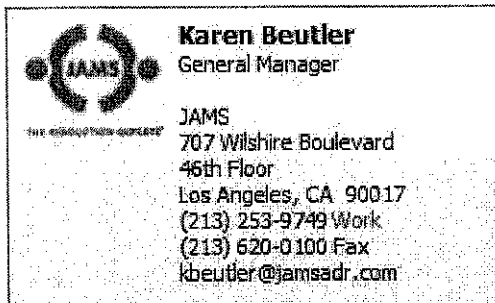
From: Solomon Gresen
Sent: Monday, August 29, 2011 5:05 PM
To: Daphne Johnson
Subject: FW: Rodriguez, Omar, et al. vs. Burbank Police Department, et al. - REF# 1220040470
Attachments: SKMBT_28311082914430.pdf

From: Beutler Karen [mailto:KBeutler@JAMSADR.com]
Sent: Monday, August 29, 2011 3:19 PM
To: Solomon Gresen
Cc: Feazell Jason
Subject: Rodriguez, Omar, et al. vs. Burbank Police Department, et al. - REF# 1220040470

Mr. Gresen,

Attached is a receipt and a Statement of Account showing your Visa payment of \$9,265.22 to JAMS. The outstanding balance in this matter is now paid in full.

Best regards,
Karen



Get the free JAMS App for access to neutral contact information, maps to our Resolution Centers and more.
[Click here to download.](#)



THE RESOLUTION EXPERTS®

STATEMENT OF ACCOUNT

Statement Date
08/29/2011

TO: Solomon E. Gresen, Esq.
Rheuban & Gresen
15910 Ventura Blvd.
Suite 1610
Encino, CA 91436

Reference #: 1220040470 JF
Billing Specialist: Tiffany Williamson
Telephone: 949-224-4606
Employer ID: 68-0542699

RE: Rodriguez, Omar, et al. vs. Burbank Police Department, et al.

Representing: Omar Rodriguez
Cindy Guillen-Gomez
Steve Karagiosian
Elfego Rodriguez
Jamal Childs

Neutrals(s): Hon. Diane Wayne (Ret.)

Hearing Type: Court Reference

REP# 1

Date	Description	Charges	Credits	Balance
10/09/2009	INVOICE #0001840245-220 *	3,700.00		3,700.00
10/30/2009	INVOICE #0001861031-220	1,357.22		5,057.22
11/05/2009	CK #9677 Paid By: Rheuban & Gresen		2,050.00	3,007.22
11/30/2009	INVOICE #0001883419-220	304.81		3,312.03
12/10/2009	CK #9750 Paid By: Rheuban & Gresen		3,007.22	304.81
12/30/2009	INVOICE #0001905027-220	754.26		1,059.07
01/19/2010	CK #9760 Paid By: Rheuban & Gresen		304.81	754.26
01/20/2010	CK #9852 Paid By: Rheuban & Gresen		1,059.07	(304.81)
	918469-220	600.00		295.19
	# #0001929554		600.00	(304.81)
	929823-220	10,418.75		10,113.94
	# #0001931320		3,000.00	7,113.94
	931321-220	3,000.00		10,113.94
	# #0001949608		450.00	9,663.94
	949609-220	2,683.26		12,347.20
	951537-220	3,300.00		15,647.20

JAMS
1920 MAIN ST STE300
IRVINE, CA. 92614
949-224-4623
Merchant ID: 9115892326
Term ID: 0010540009115892326001

Phone Order

*****6512

VISA

Entry Method: Manual

Total: \$ 9,265.22

08/29/11 14:30:47

Inv #: 000001 Appr Code: 379813

Apprvd: Online

AVS Code: ZIP MATCH Z

CVV2 Code: MATCH M

YOUR ACCOUNT BALANCE IS DUE UPON RECEIPT

Please make checks payable to JAMS, Inc. and mail to:

P.O. BOX 512850
Los Angeles, CA 90051-0850

Customer Copy
THANK YOU!



THE RESOLUTION EXPERTS™

RE: Rodriguez, Omar, et al. vs. Burbank Police Department, et al.

Representing: Omar Rodriguez
Cindy Guillen-Gomez
Steve Karagiosian
Elfego Rodriguez
Jamal Childs

Neutrals(s):

Hon. Diane Wayne (Ret.)

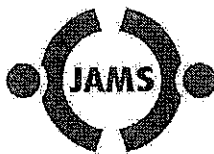
Hearing Type: Court Reference

Reference #: 1220040470

REP# 1

Date	Description	Charges	Credits	Balance
03/02/2010	CK #9928 Paid By: Rheuban & Gresen		295.19	15,352.01
03/03/2010	INVOICE #0001952151-220	330.00		15,682.01
03/26/2010	CK #9982 Paid By: Rheuban & Gresen		10,113.94	5,568.07
03/31/2010	INVOICE #0001974365-220	660.00		6,228.07
04/01/2010	CK #10008 Paid By: Rheuban & Gresen		2,683.26	3,544.81
04/05/2010	CK #10023 Paid By: Rheuban & Gresen		3,300.00	244.81
04/08/2010	CK #10035 Paid By: Rheuban & Gresen		330.00	(85.19)
04/30/2010	INVOICE #0001997755-220	663.46		578.27
05/03/2010	CK #10091 Paid By: Rheuban & Gresen		660.00	(81.73)
05/05/2010	INVOICE #0002001281-220	2,200.00		2,118.27
05/26/2010	INVOICE #0002014827-220	6,600.00		8,718.27
05/27/2010	CREDIT MEMO # #0002015090		3,000.00	5,718.27
05/28/2010	INVOICE #0002018741-220	3,030.00		8,748.27
06/17/2010	CK #11102 Paid By: Rheuban & Gresen		578.27	8,170.00
06/30/2010	INVOICE #0002046921-220	960.00		9,130.00
07/29/2010	INVOICE #0002063531-220	660.00		9,790.00
07/29/2010	INVOICE #0002063535-220	3,300.00		13,090.00
08/05/2010	CK #11206 Paid By: Rheuban & Gresen		8,170.00	4,920.00
08/18/2010	CK #11268 Paid By: Rheuban & Gresen		960.00	3,960.00
08/23/2010	INVOICE #0002083012-220	3,300.00		7,260.00

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THE RESOLUTION EXPERTS™

RE: Rodriguez, Omar, et al. vs. Burbank Police Department, et al.

Representing: Omar Rodriguez
Cindy Guillen-Gomez
Steve Karagiosian
Elfego Rodriguez
Jamal Childs

Neutrals(s):

Hon. Diane Wayne (Ref.)

Hearing Type: Court Reference

Reference #: 1220040470

REP# 1

Date	Description	Charges	Credits	Balance
09/16/2010	CK #11357 Paid By: Rheuban & Gresen		7,260.00	0.00
09/30/2010	INVOICE #0002117742-220	907.50		907.50
11/02/2010	CK #11435 Paid By: Rheuban & Gresen		907.50	0.00
11/30/2010	INVOICE #0002167008-220	3,465.81		3,465.81
12/08/2010	INVOICE #0002172790-220	6,600.00		10,065.81
01/20/2011	CK #11601 Paid By: Rheuban & Gresen		3,465.91	6,599.90
01/25/2011	INVOICE #0002204766-220 *	2,314.10		8,914.00
02/14/2011	CK #11684 Paid By: Rheuban & Gresen		6,600.00	2,314.00
02/15/2011	CREDIT MEMO # #0002224985		300.00	2,014.00
02/15/2011	INVOICE #0002224986-220	300.00		2,314.00
02/25/2011	CK #11708 Paid By: Rheuban & Gresen		2,314.10	(0.10)
03/03/2011	CK #11723 Paid By: Rheuban & Gresen		300.00	(300.10)
03/31/2011	INVOICE #0002266190-220	8,091.86		7,791.76
04/29/2011	INVOICE #0002294486-220	5,036.52		12,828.28
05/31/2011	INVOICE #0002318636-220	168.03		12,996.31
06/30/2011	INVOICE #0002345642-220	1,248.91		14,245.22
08/29/2011	CREDIT MEMO # #0002390609 *		4,980.00	9,265.22
08/29/2011	CK #VS-379813 Paid By: Steven V. Rheuban, Esq.		9,265.22	0.00

Outstanding Balance: 0.00